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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You for not making life a courtroom without a judge. We don't have to judge ourselves with self-condemnation or others with harshness. You are the judge of our lives, the one to whom we must account for our behavior, character, and relationships. We expose our private and public lives to Your judgment. There are no secrets from You. We spread out before You the work of this Senate and ask You to show us what You require. This is Your nation. The Senators and all who work for and with them are here by divine appointment. Your justice and righteousness are our mandates. May we see ourselves honestly in the pure white light of Your truth.

As we stand before You as our judge, we view You beside us with mercy and within us as perfect peace. Take our hands, dear Lord. Lead us on so that as this day closes and we say our prayers, we may have less to confess and more for which to give thanks. In Your righteous, all-powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Washington is recognized.

SCHEDULE

Mr. GORTON. Mr. President, this morning the Senate will begin 1 hour of debate on the conference report to accompany the Federal Aviation Administration bill. Following that debate, the Senate will be in a period of morning business until 11:30 a.m. with the time under the control of Senators BROWNBACK and DURBIN. Following morning business, the Senate will begin consideration of the Export Administration Act with amendments to the bill expected to be offered. As a reminder, there will be three stacked votes at 5 p.m. The first vote will be on the conference report to accompany the Federal Aviation Administration bill, to be followed by the two cloture votes with respect to the Berzon and Paez nominations.

I thank my colleagues for their cooperation.

UNANIMOUS CONSENT REQUEST— S. RES. 237

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 237, which has been held over under the rule, that the resolution be agreed to, the preamble be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, for the minority, we are grateful that we are now at a point where we can move forward on the FAA bill. It has been held up for a long time. It is very important to the country, and hopefully by the end of the day we will have the conference report approved.

We also hope, with the export administration bill that we have been wait-

ing for weeks now to have debated in the Senate, we can move forward with that bill. We are very hopeful that the bill that comes out of conference is one that has the meat of what is needed to help our high-tech industry and not a watered-down version of a bill we may not be able to support.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 1000 which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1000, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, March 8, 2000.)

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate with 20 minutes under the control of the majority leader, 20 minutes under the control of the Democratic leader, and 20 minutes under the control of the Senator from New Jersey, Mr. LAUTENBERG.

The Senator from Washington.

Mr. GORTON. Mr. President, it is with great pleasure that I appear here today with my friend and colleague from West Virginia, Senator ROCKEFELLER, to present to the Senate the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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conference report on the Federal Aviation Administration reauthorization measure. The compromise reached in this legislation is not only fair but constructive. It will provide necessary increases especially in capital funds for our aviation infrastructure and does provide a reasonable balance with the needs of that system and our limited Federal resources.

I went to the conference committee on this bill with a unique perspective because I sit on the Budget and Appropriations Committees as well as serving as the chairman of the Aviation Subcommittee. My duties on these committees allowed me to see the hard choices that must be made to stay within our tight budgets.

The final agreement reached with Chairman SHUSTER in the House ensures the trust fund revenues will be used for aviation spending. I joined Senator DOMENICI in supporting the Senate position on this issue, a position that allows for expenditure of these revenues for their intended purposes without tying the hands of the Appropriations Committee. That was an integral part of the final passage, and I commend Senator DOMENICI for his hard work on this issue, together with the tremendous contributions we received from Senator STEVENS.

One issue with which I have some reservations is amending the Death on the High Seas Act. I am pleased that the resolution amends the statute to bring the anachronistic law more up to date by allowing the recovery of certain types of non-economic damages. The resolution removes the cap on these damages contained in the Senate bill. I am also pleased that we have clearly retained the prohibition on punitive damages, which are not designed to compensate and which are so often abused. I think the resolution is good insofar as it reflects the Senate approach of keeping most aviation accidents on the high seas within the statute, thereby providing some semblance of certainty and uniformity. I have reservations, however, about the change demanded by the House conferees retroactively to change, from three to twelve nautical miles, the distance from the U.S. shore at which the Death on the High Seas act applies. Those who have wanted to take commercial aviation accident cases on the high seas out of DOHSA altogether have argued that this will cure the unfairness of different recoveries based on the chance of the accident happening over land or over the high seas. I have strongly disagreed with that proposition. Eliminating DOHSA leaves you with a dizzying array of State, Federal, foreign, or perhaps, no, law about which lawyers can fight endlessly, further postponing recovery. I trust those who have demanded that we complicate the federal law retroactively to take TWA Flight 800 litigation out of the coverage of DOHSA have fully considered the effects of that change.

My concerns with this issue are balanced with the positive aspects of this

bill such as the removal of slot restrictions at Chicago O'Hare, Washington National, and the two New York airports. These provisions will improve competition, reduce fares, and provide additional service to small communities.

Another provision which will stimulate competition and help to bridge the funding gap that currently exists is an increase in the cap on the passenger facility charge. This provision gets to the heart of my guiding philosophy, which is to give local officials more decision-making power.

Although I favor an increase in the cap on the PFC, I realize that this is just one piece of the puzzle. We must look at the issues of our national aviation system in a larger context if we are going to meet the capacity demands of the 21st century. We cannot rely on unlimited federal funding to solve all of our problems. We must stretch our finite resources as far as possible.

A prime example of this is the modernization of the air traffic control system. This process has been ongoing for more than 15 years. We can no longer allow the program to continue the "stops and starts" of the past. Improvements must get on track, or, as the National Civil Aviation Review Commission warned us, the growing demand for air services combined with outdated equipment will soon bring gridlock and serious concerns about safety.

The Federal Aviation Commission needs to spare no effort over the next few years to modernize the air traffic control system. All of this needs to be done right, and be done now, to ensure continued safety and efficiency in the aviation industry.

Reforming the way in which the Federal Aviation Administration does business, and ensuring it is as efficient as possible, is a positive first step. This bill contains provisions, which I worked on with Senator ROCKEFELLER, to move the Federal Aviation Administration in the direction of being a more business-like entity. Positive reforms, not just increased funding, are integral to achieving our goal.

Although these reforms are a positive first step, I will continue to explore other possible options such as corporatization of the air traffic control system as the 2nd session of the 106th Congress continues. I believe we can learn from the work of countries such as Canada, New Zealand, and Australia, which have moved to privately run systems. The concerns of general aviation will be of paramount importance to me as this debate continues, and I welcome the input of all interested parties.

In summary, this agreement will allow both sides to reach our common goal, which is to ensure that we continue to have the safest, most efficient aviation system well into the 21st century.

I would like to take a minute to thank the Senate staff who worked

tirelessly on this issue: Aviation subcommittee staff, Ann Choiniere, Mike Reynolds, Sam Whitehorn, and Julia Krauss ably tended the technical provisions of the bill. Wally Burnett with Senator STEVENS, and Cheryle Tucker with Senator DOMENICI were vital in negotiations over budgetary issues.

I also thank Jim Sartucci and Keith Hennessey from Senator LOTT's staff for assisting with the final negotiations.

Last but certainly not least are my own staff members. I thank Jeanne Bumpus for her diligent efforts on the Death on the High Seas Act, and Brett Hale, who is with me today, and who left his name out of these printed remarks. He deserves thanks for the hundreds and hundreds of hours he has put in on this bill from beginning to end.

Finally, as I began, I want to say it has been a great pleasure to me to work with my friend from West Virginia, Senator ROCKEFELLER, whose interest in this subject is very high and whose competence in coming up with correct answers is equally high.

This bill is a true partnership, and I have enjoyed working with him on coming up with these solutions on that score.

I ask unanimous consent a summary of the major issues included in the FAA conference report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR ISSUES INCLUDED IN THE FAA CONFERENCE REPORT

LENGTH OF AUTHORIZATION

4 years (2000-2003) except Research title.

AIP AUTHORIZATION

\$2.475 billion in 2000.
\$3.2 billion in 2001.
\$3.3 billion in 2002.
\$3.4 billion in 2003.

F&E AUTHORIZATION

\$2.68 billion in 2000.
\$2.66 billion in 2001.
\$2.799 billion in 2002.
\$2.981 billion in 2003.

FAA OPERATIONS

\$6.6 billion in 2001.
\$6.886 billion in 2002.
\$7.357 billion in 2003.

RE&D (3 YEAR AUTHORIZATION)

\$224 million in 2000.
\$237 million in 2001.
\$249 million in 2002.

PASSENGER FACILITY CHARGE (PFC)

House provision, but would allow FAA to approve a PFC only up to \$4.50. Basically, it increases PFCs by \$1.50. Medium or large hub airports charging the higher PFC must give back 75% of their entitlement.

AIRLINE CUSTOMER SERVICE

Plans to be submitted to DOT which in turn transmits a copy to the authorizing committees. DOTIG to monitor the implementation of each plan, evaluate and report on how each airline is living up to its commitment. DOT IG status report due to Congress on 6/15/00 and final report due 12/31/00. Directs DOT to initiate a rulemaking within 30 days of enactment to increase the domestic baggage liability limit; penalty for violations of aviation consumer laws and regulations are increased from \$1100 to \$2500 per

violation; GAO directed to study "hidden city" and "back to back" ticketing. The Conference also added a reference preventing discrimination against the handicapped as one of the responsibilities of the DOT consumer office. The DOTIG final report will also include a comparison of the customer service of airlines that submitted plans to DOT with those that did not submit such plans.

COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY (TRAVEL AGENTS)

Establishes a commission to study the financial condition of travel agents, especially small travel agents. The Commission should study whether the financial condition of travel agents is declining, what effects this will have on consumers, if any, and what, if anything, should be done about it.

SLOTS IN NEW YORK

New York specific provisions

Slot restrictions are eliminated after January 1, 2007.

In the interim, DOT is directed to provide exemptions to any airline flying to the 2 New York airports if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or a non-hub as a replacement for a prop plane.

DOT is directed to grant exemptions to new entrant and limited incumbents for service to New York.

Exemptions are only for Stage 3 aircraft.

General Provisions

DOT must act on slot exemption requests within 60 days. Exemptions may not be bought, sold, leased or otherwise transferred. For purposes of determining whether an airline qualifies as a new entrant or limited incumbents for receiving slot exemptions, DOT shall count the slots and slot exemptions of both that airline and any other airline that it has a code-share agreement at that airport. The maximum number of slots or slot exemptions that an airline can have and still qualify as limited incumbent is raised from 12 to 20.

SLOTS AT CHICAGO O'HARE

Chicago specific provisions

In addition, slot restrictions at Chicago are eliminated after July 1, 2002.

On July 1, 2001, slot restrictions will apply only between 2:45 pm and 8:14 pm. DOT is directed to provide exemptions from the slot rules to any airline flying to Chicago O'Hare airport if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane.

DOT is also directed to grant 30 slot exemptions to new entrants and limited incumbents for service to Chicago. These new entrant exemptions must be granted within 45 days.

Slots will not longer be needed in order to provide international service at O'Hare. However, the Secretary may limit access in those cases where the foreign country involved does not provide the same kind of open access for U.S. airlines. DOT is prohibited from withdrawing slots from U.S. airlines in order to give them to foreign airlines. Any slot previously withdrawn from U.S. airlines and given to a foreign airline must be returned to the U.S. airline. Slots held by U.S. airlines to provide international service can be converted to domestic use.

Exemptions are only for Stage 3 aircraft.

General Provisions

Same as described above for New York.

SLOTS AND THE PERIMETER RULE AT REAGAN NATIONAL

DOT is directed to grant 12 slot exemptions within the perimeter, and 12 slot exemptions outside the perimeter. These slots could go to more than one airline.

Exemptions must be for flights between 7 a.m. and 10 p.m. There can be no more than 2 additional flights per hour.

Of the flights within the perimeter, 4 must be to small hubs or non-hubs and 8 must be to medium, small or non-hubs. All requests for exemptions must be submitted within 30 days of enactment. 15 days are allowed to comment. After that, 45 days are allowed for DOT to make a decision.

Ten percent of the entitlement money at Reagan National Airport must go to noise abatement. Priority shall be given to applications from the 4 slot-controlled airports for noise set-aside money. DOT shall do a study comparing noise at these 4 airports now as compared to 10 years ago.

The definition of limited incumbent air carrier includes slots and slot exemptions held or operated by that carrier. However, slots that are on a long-term lease for a period of 10 years or more, being used for international service, and that the current holder releases and renounces any right to subject to the terms of the lease shall not be counted as slots either held or operated for the purposes of determining whether the holder is a limited incumbent.

Exemptions are only for Stage 3 aircraft.

MWAA

Extends the deadline for reauthorizing MWAA from 2001 to 2004. Also eliminates the requirement that the additional federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

DOHSA

The territorial sea for aviation accidents is extended from 3 nautical miles to 12 nautical miles. The effect of this is that DOHSA will not apply to planes that crash into the ocean within 12 miles from the shore of the U.S. The law governing accidents that occur between a 3 nautical miles and 12 nautical miles from land will be the same as those that now occur less than 3 nautical miles from the land.

For those aviation accidents that occur more than 12 miles from land, the DOHSA will continue to apply. However, in those cases, the Act is modified as in the Senate bill except that there is no \$750,000 cap on damages.

UNRULY PASSENGER

Imposes fine of \$25,000 on a person who assaults or threatens to assault the crew or another passenger, or poses a threat to the safety of the aircraft or its passengers. Also requires the Justice Department to notify the House and Senate authorizing Committees within 90 days as to whether it plans to set up the program to deputize local law enforcement.

ANIMAL TRANSPORTATION

Modifies the Senate provision to ensure that airlines will continue to be able to carry animals while information is collected to determine whether there is a problem that warrants strong legislative remedies. Toward this end, scheduled airlines will be required to provide monthly reports to DOT describing any incidents involving animals that they carry.

DOT and the Department of Agriculture must enter into a MOU to ensure that DOA receives this information. DOT must publish data on incidents and complaints involving

animals in its monthly consumer reports or other similar publications.

In the meantime, DOT is directed to work with the airlines to improve the training of employees so that (1) they will be better able to ensure the safety of animals being flown and (2) they will be better able to explain to passengers the conditions under which their pets are being carried. People should know that their pets might be in a cargo hold that may not be air-conditioned or may differ from the passenger cabin in other respects.

NATIONAL PARKS OVERFLIGHTS

Commercial air tour operators must conduct commercial air tours over national parks or tribal lands in accordance with applicable air tour management plans (ATMP). Before beginning air tours over a National Park or tribal land, a tour operator must apply to the FAA for the authority to conduct tours. No applications shall be approved until an ATMP is developed and implemented. FAA shall make every effort to act on an application within 24 months of receiving it. Priority shall be given to applications from new entrant air tour operators. Air tours may be conducted at a park without an ATMP if the tour operator secures a letter of agreement from the FAA and the park involved and the total number of flights is limited to 5 flights in a 30 day period.

FAA in cooperation with the Park Service shall establish an ATMP for any park at which someone wants to provide commercial air tours. The ATMP shall be developed with public participation. It could ban air tours or establish restrictions on them. It will apply within a half a mile outside the boundary of the park. The plan should include incentives to use quiet aircraft.

Prior to the establishment of the ATMP, the FAA shall grant interim authority to operators that are providing air tours. This interim authority may limit the number of flights. Interim operating authority may also be granted for new entrants if (1) it is needed to ensure competition in the provision of air tours over the park and (2) 24 months have passed since enactment of this Act and no ATMP has been developed for the park involved. Interim operating authority should not be granted to new entrants if it will create a safety or a noise problem.

The above shall not apply to the Grand Canyon, tribal lands abutting the Grand Canyon, or to flights over Lake Mead that are on the way to the Grand Canyon.

FAA shall establish standards for quiet aircraft within 1 year or explain to Congress why it will be unable to do so. Quiet aircraft may get special routes for Grand Canyon air tours and may not be subject to the cap on the number of flights there.

Air tours over the Rocky Mountain National Park are prohibited.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the words of my friend from the State of Washington are not justified except if they are returned to him and to his staff.

The process of working legislation is extraordinary. This has been a very long process, more or less a 2-year process. Working with Senator SLADE GORTON from the State of Washington over the years has been a great privilege for me and continues on this bill, which is the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, which is a long title, but we had to give it a long title in order to be able to give it an acronym, which is FAIR-21. FAIR, that is what the bill is.

Wendell Ford, should he be listening, should be very proud.

We have had half a dozen temporary extensions on this bill. It has been 2 years in the making. When Senator GORTON talks about the enormous number of hours spent by Sam Whitehorn of the committee staff, Kerry Ates of my own staff, and members of his own committee and personal staff, he is exactly right. It has been an extraordinary and frustrating process but a successful one.

There are many Members of the Senate and the House to thank. It was one of those situations where you had the authorizing committees, the budget committees, the appropriations committees, in both Houses, coming to an agreement—which is very rare in something of this sort, and all in a fairly short period of time. Frankly, including obviously Senator GORTON, I think I really want to thank the majority leader, Senator TRENT LOTT, for stepping in in a most remarkable way, most forcefully, at a critical time, to bring the parties together and make sure we pushed toward a solution.

In the end, I think we have achieved a bipartisan House-Senate compromise of which I, for one at least, am very proud. We have a final bill that will set us on an entirely new path in terms of the FAA, and in a larger sense for aviation in this country, which has enormous impact. For the aviation community, and those of us who work with them—and I thank them for their help on this bill, also; not all of them being happy about all aspects of it, but that is in the nature of things—hopefully this good economic news, of the passage of this bill, is, however, entirely overshadowed by fear that most of us have about the state of our system as it is now, of our aviation system particularly in regard to air traffic control and other matters in our infrastructure.

At current levels, our system is already so overburdened we are suffocating from congestion and delays. The country suffers through it. Is there a popular uprising? There does not seem to be one. But the fact is, it is a suffocating situation, a dangerous situation. We are increasingly concerned about safety, with every single reason to be, given the doubling of the number of air passengers and many more cargo planes and passenger planes to be built in the future. Whatever you see today, try to double it in your mind and then figure the same number of runways. How on Earth are people going to accept a situation where delays are growing longer and it becomes more dangerous unless we do something about it? This bill does. Delays have increased by 50 percent. Today, one in four flights is delayed more than 15 minutes. That is not what passengers want. That is not what airlines want.

To be very blunt about it, if there is no change in the way we are doing business, we will come to a situation before the year 2015 where there will

be, somewhere in this world, a major airplane crash every 7 to 10 days. That is the course. It is a terrible course, a dangerous course, and one which this Congress cannot allow to go on and which this Congress, in fact, with this bill, does a great deal about.

We have fallen behind. Unless we get started immediately in the effort to modernize our air traffic control system, to fix our airports, we stand a very good chance of never being able to catch up, never catching up to the curve, much less getting ahead of it. That is fundamentally what this bill, FAIR-21, is about.

It is about fixing the system. It is about trying to get ahead of the growth curve with our most significant increase ever in airport and air traffic control funding, and some fundamental reforms in the way we do business in our system. It is about improving safety and service for the traveling public and supporting aviation employees under great stress in their challenging jobs. Senator GORTON and I have each seen that on many occasions. These people work under incredible tension all the time. They work with very old equipment.

It is about increasing competition. It is about giving a leg up, finally, to small communities such as I have in my State, as does Senator GORTON, as does every Senator in his or her State—small communities that were left behind when we did airline deregulation 20 years ago.

So, FAIR-21, this bill, will provide \$40 billion for the FAA in fiscal year 2001 until fiscal year 2003. It is a 25-percent increase in total aviation funding. The key investments will be fixing aviation infrastructure, to wit, airport funding will increase by 33 percent, and air traffic control modernization funding will increase by 40 percent. That is so desperately needed. FAA funding operations will also increase by approximately 15 percent over the same period. We are beginning to nudge into the area to start fixing our problems.

This bill represents the will of the Congress, hopefully, and the will of the American people, to take a dangerous situation and start to fix it. For the very first time, FAIR-21 establishes that all revenues and interest paid into the aviation trust fund by airline passengers, lo and behold, will be spent on aviation. That seems quite fair to me. That means that \$33 billion of the \$40 billion will be guaranteed from the trust fund, not taken off-budget, which this Senator would have liked to have seen but was not going to happen; so not taken off-budget but protected through points of order and with a strong commitment from the Appropriations Committee to fully fund all accounts. This was part of the magic of the process that Senator TRENT LOTT, Senator GORTON, and others worked out to make people satisfied.

All told, this represents—and my colleagues should hear this—the biggest total increase in aviation investments

ever. I know few problems receive that kind of boost unless the Congress perceives there is a crisis. What we learned over recent years about aviation was that a crisis was coming. I am thankful we have the foresight to take action now.

To move beyond the funding issue for a moment, I want to point out a few of the key aviation law and policy changes contained in this bill which I think are very helpful and good:

Whistle-blower protection for aviation and airline employees who report safety problems;

A \$1.50 increase on the cap of the passenger facility charge for airport projects, which is enormously helpful to local airports;

An Air Service Development Program, with grants up to \$500,000 each for innovative efforts to improve air service in small communities; in other words, small communities can do something and get a match;

A ban on smoking everywhere, even internationally;

Easing of the slots rule at O'Hare, LaGuardia, and Kennedy Airports. This carries with it some controversy. Compromises were made. Not everybody was happy. But resolution was reached;

New criminal background checks and training for airport security personnel as the pressure on all of that continues to increase;

Increased funding for the essential air service program is enormously important in my State of West Virginia and every single area where there are rural airports. The State of the Presiding Officer has its fair share of those;

Finally, new and increased penalties for airline customer service violations. That goes along with the effort Senator GORTON and I led to have a passenger bill of rights, which the airlines could have first crack at, which seems to be working out very well but, on the other hand, we are watching very closely.

We have had a lot of time to work on this bill and, in my view, it has gotten better and better during the process and reached a crescendo in the last several days. It is a bold conference report designed to protect our future. I hope my colleagues will join me and the Senator from the State of Washington in sending this bill to the President.

So much of the work is done not just by Senators willing to compromise and House Members willing to compromise but, most importantly, by staff who worked through the night often to make sure things came out very well.

When we began the effort to enact meaningful legislation to address the needs of our air transportation system, we knew it would be a difficult process. Even anticipating that, I can tell you that it has been more difficult than any of us could have imagined.

This bill has been more than two years in the making, with nearly a half-dozen temporary extensions in the process. There are many Members in

the Senate and House to thank for all of the hard work and effort it took to bring this to a conclusion. Members on and off the conference committee have really rolled up their sleeves to work out a very difficult compromise. And above all others, the majority leader stepped in during these critical and delicate last few months to push us toward a final solution.

In the end, we've achieved a bipartisan, House-Senate compromise that I am very proud of. We have a final bill that I believe will set us on an entirely new path for the FAA and aviation.

Aviation in this country is at a crossroads. Aviation is a critical engine of economic development at the national and local levels, and it has the potential for unprecedented and incomprehensive growth over the next decade.

The travel and tourism industry employs 1 in 17 Americans.

Air travelers spend over \$500 billion each year in the U.S. and generate more than \$70 billion in federal, state and local taxes.

Aviation is the only U.S. industry that has consistently enjoyed a positive trade balance.

By 2009, enplanements are projected to increase to 1 billion people, from 650 million in 1999.

In many respects this is good news—it is one of the great success stories of our booming economy. Yet, for the aviation community and those of us who work with them, this good news is entirely overshadowed by fears about the state of our system. At current traffic levels, our system is already so overburdened that we are suffocating from congestion and delays, and we are increasingly concerned about safety.

Almost every week, another red flag goes up about the looming crisis in aviation.

Scheduled flying times have increased 75 percent on the top 200 routes in the nation.

Delays have increased by 50 percent, and today one in four flights is delayed more than 15 minutes, at a cost to the economy of more than \$4 billion.

Recent data shows a rise in runway incidents (so-called runway incursions), and we read too often about near-misses in the skies.

If there is no change in the current accident rate before the year 2015, there is expected to be a major airline accident somewhere in the world every 7–10 days.

Yet, from 1998 to 1999, the FAA had to reduce safety inspections by 10 percent and cut 5 percent of its security staff.

All of us—the airlines, the airports, and the Congress—have had a difficult time keeping up with the pace of growth. The result is that, as a nation, we've fallen behind. Unless we get started immediately in the effort to modernize our traffic control system and fix our airports, we may never catch up.

That's fundamentally what this bill, FAIR-21, is all about. It's about fixing

the system and trying to get ahead of the growth curve—with our most significant increase ever in airport and air traffic control funding and some fundamental reforms of our system.

And it's about improving safety and service for the traveling public; supporting aviation employees in challenging jobs, increasing competition, and giving a leg up finally to small communities who were left behind in airline deregulation twenty years ago.

FAIR-21 will provide \$40 billion for the FAA for FY 2001–2003—a 25 percent increase in total aviation funding. The key investments will be fixing aviation infrastructure—airport funding will increase by 33 percent and air traffic control modernization funding will increase by 40 percent. FAA operations funding also will increase, by approximately 15 percent over the same period.

For the first time, FAIR-21 establishes that all revenues and interest paid into the aviation trust fund by airline passengers will be spent on aviation. That means that \$33 billion of the \$40 billion bill will be guaranteed from the trust fund—not taken off-budget but protected through points of order and with a strong commitment from the Appropriations Committee to fully fund all accounts. The remaining \$6.7 billion would come from the General Fund, subject to appropriations.

For fiscal year 2001, the bill fully meets the President's budget request for FAA operations and air traffic control equipment, and it exceeds the President's budget request for AIP by \$1.2 billion.

All told this represents the biggest total increase in aviation investments ever. I know that few programs receive that kind of boost—unless a crisis exists. What we have learned about aviation is that a crisis is coming. And I'm thankful we have the foresight to take action now.

To move beyond the funding issue for a moment, let me also highlight a few of the key aviation law and policy changes contained in this bill that I think are particularly important. I am very pleased that the bill contains: whistleblower protection for airline and aviation employees who report safety problems; a \$1.50 increase in the cap on the passenger facility charge for airport projects; an Air Service Development program, with grants of up to \$500,000 each for innovative efforts to improve air service in small communities; a ban on smoking on all flights to and from the U.S., including international flights; an easing of the slot rules at O'Hare, LaGuardia and Kennedy Airports; a focus on reducing the number of runway incursions that can result in serious accidents; new criminal background checks and training for airport security personnel; increased funding for the Essential Air Service program; and new and increased penalties for airline's customer service violations.

We have had a lot of time to work on this bill, and in my view it has gotten

better and better. It is a bold conference report designed to protect our future, and I hope my colleagues will join me in sending it on to the President for his signature.

Before we end the debate this morning, I want to say a few things. Again, all of the staff from the Commerce Committee, my office, the offices of the other conferees, and the House staff, deserve our thanks. They spent months working on this bill. In fact, this bill was started almost 2 years ago. Countless hours, late nights, lots of missed family events. We owe all of them our thanks.

I also want to thank, and I know Senator HOLLINGS and others share this, Hans Ephramson-Abt. Many of you probably have encountered him. He is a gentleman, first and foremost, who has worked for years to help the families of victims of aviation disasters. The conference report changes the liability laws for accidents offshore, preserving the ability of people like the children of Montoursville, PA, who vanished in the TWA flight 800 tragedy. Hans lost his daughter, Alice, on KAL 007, shot down off of Korea in September 1983. He has done a great service in helping others, and for that we all owe him a debt of gratitude.

Finally, I want to say that we have had a long debate over the last several years about FAA reform. For now, that issue has been resolved. Over the next several years, working with Administrator Garvey, or her successor, we will look at other ways to improve the FAA. Today, the bill before you does many creative things for the FAA—giving it the tools to be more business-like, but retaining its crucial role as safety arbiter. The bill, for example, gives the FAA the ability to enter into long-term leases for satellite communications services, something that will save the FAA money. It establishes a public-private funding mechanism to expedite the installation of air traffic control equipment, with the priorities set by the private sector. It structures the FAA after corporate models, establishing one person to be accountable for air traffic control operations and plans. It establishes a Board to oversee those activities. The FAA, because of actions led by the Commerce Committee and Senator LAUTENBERG, today has procurement and personnel flexibility that no other governmental agency has. We have achieved a lot over the last several years, and with this bill, continue to make progressive changes to the FAA, without compromising safety. I know that there are some in the Administration that are not satisfied, and probably will never be satisfied, but this is a good bill and one that will do a lot for our aviation system. I urge my colleagues to fully support this bill.

I ask unanimous consent that a more complete listing of staff who spent months working on this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMOCRATIC STAFF

Kevin Kayes, Moses Boyd, Sam Whitehorn, Ellen Doneski, Julia Krauss, Jonathan Oakman, and Carl Bentzel.

REPUBLICAN STAFF

Mike Reynolds, Ann Choiniere, Scott Verstandig, Jim Sartucci, Keith Hennesy, Brett Hale.

BUDGET STAFF

Bill Hoagland, Cheryl Tucker, and Mitch Warren.

APPROPRIATIONS STAFF

Wally Burnett and Peter Rogoff.

HOUSE REPUBLICAN STAFF

Jack Shenendorf, Roger Norber, Sharon Barkaloo, Chris Bertram, Dave Schaeffer, Adam Tsao, Rob Chamberlin and David Balloff.

HOUSE DEMOCRATIC STAFF

Dave Hymself, Ward McCarriger, Stacy Soumbeniotis, Tricia Loveland, Paul Feldman, who left last November, and Collen Corr.

Mr. ROCKEFELLER. I yield the floor, Mr. President, and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, how much time do the proponents have remaining?

The PRESIDING OFFICER. Twelve and a half minutes.

Mr. GORTON. Mr. President, I yield 5 of those minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, the conference report before us has been a long time in the making. It is a comprehensive bill that successfully addresses many important aviation issues. Not the least of these is the eventual elimination of the so-called slot rules at three of our nation's airports, O'Hare, Kennedy and LaGuardia. It also adds additional slots at Reagan Washington National Airport. I support these measures.

I congratulate Senator MCCAIN, the Senate Commerce Committee Chairman, Senator GORTON, the Aviation Subcommittee Chairman, Senator HOLLINGS, the full committee ranking member, and Senator ROCKEFELLER, the subcommittee ranking member, for their efforts to bring about good public policy. This has not been an easy conference, and all of you have put forth a tremendous effort to see that it was concluded successfully. I wish to also thank their staffs.

I also express my thanks and admiration to my good friend, Senator DOMENICI, our Budget Committee chairman. Of all the issues before the conference, the resolution of the budget issues was the most trying and complex. Senator DOMENICI and his staff worked tirelessly to seek a fair and adequate solution to this problem.

I express my admiration for my friend and colleague, Senator STEVENS,

the chairman of the Senate Appropriations Committee. Senator STEVENS has played a key role in reaching an agreement on spending.

The phase-out of the slot rule at O'Hare and LaGuardia will open a new era in aviation. Because it is a phase-out and not an immediate termination, that era should also give smaller airports a better chance for a piece of the economic pie at the national and international levels.

While e-commerce may be all the rage currently, people still need to travel for business purposes. Direct human contact is still the premium way to do business, and air travel is the fastest way to accomplish that over long distances and tight time frames.

This compromise follows the direction which my Iowa colleague, Senator HARKIN, and I set forth early in the debate on the slot rule. We looked at the needs of the airports in Iowa, and came to the conclusion together that it was time for a change if our State was to maintain its economic momentum in the national and international marketplace. Iowa does not have a major hub airport that guarantees low-cost or frequent flights. Like most States, we have smaller airports that are greatly affected by the traffic into and out of the major hub airports. In this case those airports are O'Hare and LaGuardia.

Our solution was to phase out the slot rule. The first step was to immediately give increased access to the hub airports by turboprop aircraft and regional jets. These are the aircraft that primarily serve our smaller airports. Giving them time before the slot rule is lifted for large airport-to-large airport competition should give the smaller airports time to establish the economic and market base needed to justify service. Otherwise, we would only see increased flights between major cities, to the exclusion of smaller airports.

We received the support of a large number of Senators who were also concerned about the future of their small hub and nonhub airports. Together, all of us have been able to accomplish what was unthinkable just several years ago, the eventual elimination of the slot rule at those two airports. I deeply appreciate their faith and support to accomplish this.

I also thank President Clinton for having the foresight and courage to recommend the elimination of the slot rule at these airports. He gave a legitimacy and momentum to the debate that would not have existed otherwise.

The States attorneys general, lead by Iowa Attorney General Tom Miller, also played a significant part and should be thanked.

Not everyone is entirely happy with the compromise solution in this conference report. I look upon that as ratification that it must be a pretty good compromise. I truly feel that the airlines were treated as fairly and equally as possible.

Our Nation's airports will be receiving additional funds for their capital needs under this legislation. I know that these funds are much needed and will be put to good use. Iowa's airports have rehabilitation and expansion plans that will be enhanced by these additional funds. This includes increased disbursements from the Airports and Airways Trust Fund and the increase in the passenger facility charge, PFC. It is important to note that the PFC will not increase at an airport until local authorities have approved an increase. It is entirely within their realm to grant or deny this increase at the local level.

However, I must again warn the Federal Aviation Administration that more money will not cure all of the problems facing the FAA and the aviation industry. Fundamental reform of the way the FAA does business and on a cultural level is necessary if we are to truly make the advances which are needed.

As a budget conferee, I believe the budget compromise is the best we can do at this time. I shall work with Chairman DOMENICI to secure the necessary funds through the budget process.

The biggest disappoint to me is the inclusion of a civil fine against airline employee whistle-blowers. While I am very pleased that whistle-blower protection has been extended to the aviation industry, I feel that it is flawed due to the civil penalty. Such a penalty does not exist in other whistle-blower statutes. I will work to correct this situation.

Whistle-blower protection adds another, much needed, layer of protection for the traveling public using our Nation's air transportation system. I am pleased to have worked with the Association of Flight Attendants AFL-CIO on this important, ground breaking legislation. They have worked tirelessly on this provision, and I know they will continue to work with me to correct this flaw. I call upon the airlines to do the same and seek the help of the public, also.

Mr. President, I urge my colleagues to vote for this conference report.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleagues who have worked so hard to get this bill to this point. It is not fun to oppose something that was reported out of the conference committee with such strong support.

But I have a different responsibility given the fact that I serve both as the ranking member of the Budget Committee and the Transportation Appropriations Subcommittee. In my view, this bill represents a missed opportunity to fully address the financing needs of our Nation's aviation system.

To the degree the bill actually guarantees any real funding increases, it does so in a manner that I consider grossly unbalanced. Mr. President, if

you ask the average Senator if they are willing to fund aviation at the expense of the Coast Guard, I guarantee you they would say no. If you asked each Senator whether they were willing to fund aviation at the expense of Amtrak, I guarantee you most would say no. If you asked the average Senator whether or not they were willing to fund aviation at the expense of our federal highway safety efforts, they would say: Certainly not.

But if this conference agreement becomes law, we run the very real risk of cutting back funds for NHTSA, the National Transportation Safety Board, Amtrak, the Coast Guard, and other areas just to boost funding for two aviation capital accounts by almost \$2 billion next year. And those two aviation accounts don't even finance the core operations of the air traffic control system—the area where the FAA is facing its most difficult challenges.

Our national transportation system needs investments in several areas, not just aviation. Look at what is happening with the Coast Guard. All of us salute the Coast Guard. We saw in the papers just yesterday that they do not have enough people to monitor cruise ships that are dumping their waste in the oceans. They do not have enough maintenance funding to keep their aircraft in the air. They do not have enough people to monitor the attempts by illegal immigrants to enter this country. They don't have enough money for pollution control, for fisheries enforcement, and for recruiting. But I don't hear my colleagues on the Commerce Committee, who have jurisdiction over the Coast Guard, advocating for a Coast Guard "guarantee."

Mr. President, throughout my entire Senate career, I have led the fight for increased investment in transportation. My support for transportation started when I served as the Commissioner of the Port Authority of New York/New Jersey. At that time, I learned that you can't ignore the needs of one transportation mode in favor of another. Investments need to be made in a balanced way if you are going to avoid gridlock. You can't ignore the rail system or the highways to focus on aviation. You need to keep your eye on safety, not just construction. The requirement to reauthorize our aviation laws presented this Congress with a great opportunity to address the financing of our nation's aviation system in a comprehensive and bipartisan manner. Unfortunately, this bill misses the mark.

This Conference Agreement took so long to produce because so many Members wanted to provide big funding increases for aviation without paying for them. Mr. President, the simple fact is that the revenue stream to the Airport and Airway Trust Fund is not adequate to fund the substantial funding increases for aviation that many members want. Because of that basic fact, the aviation conferees have been haggling for the last year over methods to

develop a new mousetrap to produce those funding increases without adequate revenue. Over the last week, the Majority Leader and the majority members of the conference committee reached the agreement that is currently before us. It seeks to guarantee a 64 percent increase in airport grants, and a 30 percent increase in modernization funding. These so-called "guaranteed" increases come at a time when the Republican Majority is debating among itself whether to impose a hard freeze on discretionary spending at the current year's level, or provide for a minuscule 2.4 percent increase. The arithmetic is simple. The \$1.9 billion or 47 percent increase that this bill seeks to "guarantee" for airport grants and modernization will either require cuts in the rest of the Transportation Department or the rest of the discretionary budget.

I understand that the Chairman of the Budget Committee was a party to these negotiations. I am told that he is prepared to state that the Budget Resolution that he will propose fully funds the needs of these so-called aviation guarantees. While I have great respect for the Budget Committee Chairman, I have to say that I would like to know where the funding is coming from if he plans to impose a freeze on discretionary spending. That should be a concern to all Members, whether they care about the Coast Guard, Amtrak, education, health care, veterans benefits, agriculture, or anything else.

Mr. President, one of the areas that will face greater budget austerity as a result of these so-called "guaranteed" increases is the operating budget in the FAA. The operating account pays for the operations of the air traffic control system. It pays the salary of every air traffic controller and every aviation inspector. It pays for security at our airports. It pays for the publication of every safety regulation. Three quarters of the operations budget goes just to pay the salaries of the people that keep the system safe every day. This account is where the FAA faces the most severe funding shortfall. So it is absurd that we are now going to pass a bill that will boost capital funding while subjecting the operations budget to even greater austerity. Due to existing shortfalls in its operating budget, the FAA just canceled all training activities except introductory training for air traffic controllers for the remainder of the year. We also have problems with new state-of-the-art equipment sitting in warehouses because the FAA doesn't have the operating funds to install them. There aren't even adequate operating funds to train our air traffic controllers how to use the equipment. FAA has had to delay the certification of new aircraft and new equipment. Those delays are hurting our U.S. aircraft manufacturers. The number of aviation safety inspectors is being allowed to trickle down and FAA can't afford to hire new inspectors to replace them. With that backdrop, the Repub-

lican Conferees on this bill produced a conference report that loaded all of the so-called "guaranteed" funding increases on capital investment programs and ignored the operations budget. Just two days ago, the FAA released its updated forecast for future aviation traffic. That forecast indicates that domestic airline traffic will increase more than 60 percent through 2011. That increased traffic will also put incredible pressure on the operation budget of the FAA. We will need more safety and security inspectors, not less. We will need better trained controllers and more of them. But the bill before us ignores those needs. This bill is simply lopsided and unbalanced. And in time, Mr. President, I believe the Members championing this bill will realize that they made a mistake. In fact, they may realize it sooner than they think.

I am not sure, in the end, that all of these "guaranteed" funding increases will materialize. The point-of-order in the Senate that protects these funding guarantees is a 50-vote point-of-order. It will require 51 votes to waive that point-of-order. We all know that it is impossible to do anything in the Senate without 51 votes. So fiscal reality may require the Senate to revisit these guarantees sooner rather than later. It will only require a simple majority of the Senate to do so.

Maybe that will not happen for a year or two. Maybe it will happen later this Spring. In my capacity as Ranking Member of the Senate Transportation Appropriations subcommittee, I will manage only one more Transportation Appropriations bill. But I promise that I am not going to silently watch the Amtrak budget, the Coast Guard budget, or the FAA's own operations budget get ravaged to pay for the so-called "guarantees" provided in this bill. I will see to it that every Member here will have the opportunity to vote on whether we should shut down Amtrak lines, tie up Coast Guard ships, or lay off aviation inspectors, in order to pay for these guarantees.

In summary, Mr. President, this bill represents a missed opportunity. This bill missed the opportunity to provide momentum for funding increases in the FAA across-the-board to address all the agency's shortfalls, including the operations budget. By loading all of the so-called guaranteed funding on the capital accounts, it becomes plain as day, that the Airport and Airway Trust Fund is not adequate to fund all of our aviation needs. It will only be a matter of time before we have to consider a tax increase or new user fees in order to truly meet all of the FAA's needs.

Mr. President, this bill is shortsighted. It was produced in the back room without Minority Members present, and I do not believe it represents a sustainable aviation policy for our nation. The funding provisions in this bill may not even be sustainable for the coming fiscal year. For that reason, I cannot support this bill.

Thank you, Mr. President.
I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I intend to use my leader time for purposes of making a couple of statements this morning. I would like first to voice my support for the conference report to H.R. 1000, which, as has already been noted, is the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

I hope our former colleague, Senator Wendell Ford, a dear and very special friend of mine who served as chairman and ranking member of the Senate Commerce Committee's Aviation Subcommittee for many years, is watching because this truly is a tribute to his dedication not only to aviation but to his country and to the Senate for a long time. It is a very appropriate designation for this legislation.

The conference report we are considering today will help repair our aviation system for the skyrocketing number of passengers who will travel in the 21st century. It is also a fitting tribute to Senator Ford's vision that he expressed to us on many occasions as he was leading us on this and many other issues.

I thank as well the majority leader, Senator LOTT, for his persistence in providing leadership on this matter and in getting us to this point. I think the credit also must go to our distinguished subcommittee chairman and ranking member. It is clear they have the chemistry and the working relationship it takes to accomplish something of this complexity, and I pay tribute to both of them for their efforts and for their arduous work in getting us to this point. We ought to be celebrating this morning the accomplishments of something that many of us have been hoping to achieve for a long period of time. Were it not for their leadership and support, it would not have happened.

I have been reminded oftentimes of the movie "Groundhog Day" with Bill Murray, with the Senate waking up once a year to consider the same FAA reauthorization bill. The Senate first began considering this bill in 1998 and passed S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act, in September of that year. Although there was overwhelming support for that legislation in the Senate, House and Senate negotiators could not agree on a multiyear bill at that time.

Last year, the Senate passed S. 82, the Air Transportation Improvement Act of 1999, in October. As my colleagues have recalled, this legislation was almost identical to the FAA reauthorization bill we approved the year before. Again, there was overwhelming support for the legislation in the Senate. However, House and Senate negotiators could not agree on a multiyear FAA reauthorization bill, just as they were unable to do the year before.

As the Senate has considered and reconsidered the FAA reauthorization bill in recent years, the FAA has been operating for the most part under short-term extensions. I have mentioned on many occasions my view that this is no way to fund such an important Federal agency. Short-term extension after short-term extension disrupts long-term planning at the FAA and airports around the country that rely on Federal funds to improve their facilities and enhance aviation safety. The only thing worse than passing a short-term extension is allowing funding for FAA programs to lapse altogether. Unfortunately, that is exactly what the Congress did when the House again refused to consider the 6-month extension the Senate passed on November 10 of last year. For the last 4 months, funds for airport improvement projects have been tied up because Congress has been unable to forge an agreement on the FAA reauthorization bill.

So today we begin to rectify that mistake and prepare for the increased demand that will be placed on our aviation system in the 21st century. This bill will authorize approximately \$40 billion for aviation programs over the next 3 years. In fiscal year 2001, the bill will authorize \$12.7 billion, an increase of \$2.7 billion over current levels. In the next fiscal year, it will enhance aviation safety by authorizing \$3.2 billion for airport improvement projects, \$3.3 billion in fiscal year 2002, and \$3.4 billion in fiscal year 2003.

It will also allow airports to increase passenger facility charges from \$3 to \$4.50. This PFC increase is expected to generate \$700 million for much-needed construction projects that will improve airports in South Dakota and around the country, in every State.

The conference report to the FAA reauthorization bill also includes a number of provisions that would encourage competition among the airlines and ensure quality air service for communities. For instance, it would authorize funding for a 4-year pilot program to improve commercial air service in small communities that have not benefited from deregulation.

Specifically, the bill calls for the establishment of an Office of Small Community Air Service Development at the Department of Transportation (DOT) to work with local communities, states, airports and air carriers and develop public-private partnerships that bring commercial air service including regional jet service to small communities.

We have often commented on how critical the Essential Air Service Program has been to small communities in South Dakota and around the country in their efforts to retain air service. The Small Community Aviation Development Program would give DOT the authority to provide up to \$500,000 per year to as many as 40 communities that participate in the program and agree to pay 25 percent in matching

funds. In addition, the legislation would establish an air traffic control service pilot program that would allow up to 20 small communities to share in the cost of building contract control towers.

I am hopeful that South Dakota will have the opportunity to participate in the Small Community Aviation Development Program. I think it is one of the better features of this legislation. I commend my colleagues for their inclusion of it.

Mr. President, I know some of our colleagues may oppose this bill because it would increase the number of flights at the four slot-controlled airports. The proposal to increase the number of flights at Ronald Reagan Washington National Airport has been particularly controversial, and I would again like to commend Senator ROBB for being a strong advocate for his constituents in northern Virginia.

I know some of our colleagues on the Appropriations Subcommittee on Transportation will also oppose this bill because of the budgetary treatment of the aviation trust fund. I understand their concerns and look forward to working with them to ensure that Amtrak, Coast Guard, the National Transportation Safety Board, and FAA operations are adequately funded.

Although there may be different provisions in this bill that each of us may find objectionable, I hope my colleagues will join me in supporting H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. Spring is just around the corner, and we cannot afford to delay construction on airport improvement projects any longer.

It is unfair to FAA, it is unfair to airports in South Dakota and throughout the country, and it is unfair to passengers who rely on the aviation system for their travel needs.

I encourage my colleagues to support the conference report to the FAA reauthorization bill.

Again, I commend my colleagues, especially the chairman and ranking member, for their work on this bill. I hope we can pass it this afternoon on a bipartisan basis.

NOMINATIONS OF MARSHA BERZON AND RICHARD PAEZ

Mr. DASCHLE. Mr. President, among the constitutional responsibilities entrusted to the Senate, none is more critical to the well-being of our democracy than providing advice and consent on Presidential nominations. Later on today, we take up that solemn responsibility in connection with two very distinguished judicial nominees, Marsha Berzon and Judge Richard Paez.

Let me commend the majority leader for his commitment to the Senate, and to these nominees, that we would take up these nominees for consideration and ultimately for a vote on confirmation before the 15th of March. We